## REMARKS

Applicants have noticed a typographical error in the specification. The compound II.138, which appears on page 10 of the specification, misidentified the group $R^1$. $R^1$ should have been the group methylenecyclopropyl. This compound has now been canceled from the table on page 10 and reference to this compound has been deleted from Tables 1 and 2 on page 17 of the specification.

Attached to the present amendment is a Declaration of co-inventor Dr. Ammermann in which he sets forth tests that were carried out on the compounds Ia, Ib and Ic, along with the oxime ether identified as compound IIa. The examiner will note that the results of the tests clearly demonstrate that the compounds Ia, Ib, Ic and IIa exhibit synergism at different application rates.

Support for new claim 11 can be found in the table on page 10, i.e. deleted compound II.138, along with the description of preferred $R^1$ substituents which are found on page 5 of the specification. A preferred substituent is methylenecyclopropyl (see line 32).

Applicants elect to prosecute the mixture according to example 7, which represents a combination of compounds Ia and II.79. The examiner will note that compound II.79 is very similar to the compound now identified in the Declaration as compound IIa.

Favorable action on the application by the examiner is solicited.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 11-0345. Please credit any excess fees to such deposit account.

Respectfully submitted,

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***VERSION WITH MARKINGS TO SHOW CHANGES MADE***

IN THE SPECIFICATION

Page 3, amend the paragraph on lines 32-36 as follows:

Haloalkyl is an alkyl group which is defined as above and is partially or fully halogenated by one or more halogen atoms, in particular by fluorine and chlorine. Preferably, there are 1 to 3 halogen atoms present, and particular preference is given to the [difluoromethane [sic]] difluoromethyl and the trifluoromethyl group.

Page 10, amend the table on lines 11-46 as follows (delete compound II.138):

| No. | $OX^1$ | $X^2$ | $R^1$ | R'' | m.p.°C |
|---|---|---|---|---|---|
| II.119 | $CHF_2$ | H | $C_2H_5$ | $C_6H_5-CH_2$ | |
| II.120 | $CHF_2$ | H | $C_2H_5$ | $4-CH_3O-C_6H_4-CH_2$ | |
| II.121 | $CHF_2$ | H | $CH_2-CH=CH_2$ | $C_6H_5-CH_2$ | |
| II.122 | $CHF_2$ | H | $CH_2-C\equiv CH$ | $C_6H_5-CH_2$ | |
| II.123 | $CHF_2$ | H | $CH_2-C\equiv CH$ | $4-CH_3O-C_6H_4-CH_2$ | |
| II.124 | $CHF_2$ | H | cPr | $C_6H_5-CH_2$ | |
| II.125 | $CF_3$ | H | cPr | $C_6H_5-CH_2$ | |
| II.126 | $CHF_2$ | H | cPr | $4-F-C_6H_4-CH_2$ | 75-77 |
| II.127 | $CHF_2$ | H | cPr | $4-Cl-C_6H_4-CH_2$ | 81-83 |
| II.128 | $CHF_2$ | H | cPr | $4-CH_3O-C_6H_4-CH_2$ | 57-59 |
| II.129 | $CHF_2$ | H | cPr | $4-CF_3-C_6H_4-CH_2$ | |
| II.130 | $CHF_2$ | H | cPr | 2-thienylmethyl | oil |
| II.131 | $CHF_2$ | H | cPr | 3-thienylmethyl | oil |
| II.132 | $CHF_2$ | H | cPr | pyrazolyl-1-methyl | |
| II.133 | $CHF_2$ | H | cPr | $4-CH_3-C_6H_4-CH_2$ | |
| II.134 | $CHF_2$ | 5-F | $CH_2-CH=CH_2$ | $C_6H_5-CH_2$ | |

| No. | $OX^1$ | $X^2$ | $R^1$ | R'' | m.p.°C |
|---|---|---|---|---|---|
| II.135 | $CHF_2$ | 5-F | $CH_2$-CH=$CH_2$ | 4-$CH_3$-$C_6H_4$-$CH_2$ | |
| II.136 | $CHF_2$ | 5-F | $CH_2$-C≡CH | $C_6H_5$-$CH_2$ | |
| II.137 | $CHF_2$ | 5-F | $CH_2$-C≡CH | 4-$CH_3O$-$C_6H_4$-$CH_2$ | |
| [II.138 | $CHF_2$ | 5-F | cPr | $C_6H_5$-$CH_2$ | 62-65] |
| II.139 | $CHF_2$ | 5-F | cPr | 4-F-$C_6H_4$-$CH_2$ | 64-67 |
| II.140 | $CHF_2$ | 5-F | cPr | 4-Cl-$C_6H_4$-$CH_2$ | 72-75 |
| II.141 | $CHF_2$ | 5-F | cPr | 4-$CH_3$-$C_6H_4$-$CH_2$ | 74-76 |
| II.142 | $CHF_2$ | 5-F | cPr | 4-$CH_3O$-$C_6H_4$-$CH_2$ | 79-81 |
| II.143 | $CHF_2$ | 5-F | cPr | 4-$CF_3$-$C_6H_4$-$CH_2$ | |
| II.144 | $CF_3$ | 5-F | cPr | $C_6H_5$-$CH_2$ | |
| II.145 | $CHF_2$ | 4-F | cPr | $C_6H_5$-$CH_2$ | |
| II.146 | $CHF_2$ | 4-F | cPr | 4-$CH_3O$-$C_6H_4$-$CH_2$ | |
| II.147 | $CHF_2$ | H | cPr | 4-$CH_3$-$C_6H_4$-$CH_2$ | 69-71 |

Page 13, amend the paragraph on lines 31-33 as follows:

Powders [[lacuna]] and materials for broadcasting and dusts can be prepared by mixing or jointly grinding the compounds I or II or the mixture of the compounds I and II with a solid carrier.

Page 16, delete the paragraph on lines 36-37.

Page 17, amend the tables shown on lines 1-41 as follows (delete Ex. 3C from Table 1 and Ex. 11-13 from Table 2):

Table 1:

| Ex. | Active compound | Conc. in ppm | Efficacy in % of the untreated control |
|---|---|---|---|
| 1C | without | (67% infected) | 0 |
| 2C | Compound II.79 | 1<br>0.25 | 55<br>55 |
| [3C | Compound II.138 | 0.6 | 65] |
| 4C | Compound I.a (common name: fenpropimorph) | 0.25 | 55 |
| 5C | Compound I.b (common name: fenpropidin) | 0.25 | 55 |
| 6C | Compound I.c (common name: tridemorph) | 1<br>0.25 | 0<br>0 |

Table 2:

| Ex. | Mixture according to the invention (conc. in ppm) | Observed efficacy | Calculated efficacy* |
|---|---|---|---|
| 7 | 0.25 ppm Ia +<br>0.25 ppm II.79 | 96 | 80 |
| 8 | 1 ppm Ic + 1 ppm II.79 | 85 | 55 |
| 9 | 0.25 ppm Ic +<br>0.25 ppm II.79 | 90 | 55 |
| 10 | 0.25 ppm Ib +<br>0.25 ppm II.79 | 93 | 80 |
| [11 | 0.25 ppm Ia +<br>0.06 ppm II.138 | 100 | 84 |
| 12 | 0.25 ppm Ic +<br>0.06 ppm II.138 | 96 | 65 |
| 13 | 0.25 ppm Ib +<br>0.06 ppm II.138 | 25 | 84] |

* Calculated using Colby's formula

IN THE CLAIMS

Amend claims 2-10 as follows:

2. (amended) A fungicidal mixture as [claimed] defined in claim 1, where in the

compounds II, $R^1$ is $C_1$–$C_4$-alkyl or $C_1$–$C_4$-alkylene-$C_3$-$C_7$-cycloalkyl.

3. (amended) A fungicidal mixture as [claimed] defined in claim 1, where in the compounds II, $R^2$ is phenyl, thienyl, pyrazolyl, pyrrolyl, imidazolyl, thiazolyl, furyl, pyridazinyl or pyrimidinyl, and these radicals may be substituted by halogen, $C_1$–$C_4$-alkoxy or $C_1$–$C_4$-alkyl.

4. (amended) A fungicidal mixture as [claimed] defined in claim 1, where in the compounds II, $R^3$ or $R^4$ are hydrogen, fluorine, chlorine, methyl, ethyl, methoxy, thiomethyl or N–methyamino.

5. (amended) A fungicidal mixture as [claimed] defined in claim 1, where in the compounds II, $X^1$ is halo-$C_1$–$C_6$-alkyl, halo-$C_1$–$C_6$-alkoxy or halogen.

6. (amended) A fungicidal mixture as [claimed] defined in claim 1, where in the compounds II, $X^2$ or $X^3$ are hydrogen or halogen.

7. (amended) A fungicidal mixture as [claimed] defined in claim 1, where in the compounds II, $X^4$ is hydrogen, chlorine, fluorine, methoxy, ethoxy, trifluoromethyl or trifluoromethoxy.

8. (amended) A fungicidal mixture as [claimed] defined in claim 1, where in the compounds II, $X^5$ is hydrogen, chlorine, fluorine, methoxy, ethoxy, trifluoromethyl or trifluoromethoxy.

9. (amended) A fungicidal mixture as [claimed] defined in claim 1, which is conditioned in two parts, where one part comprises one or more compounds I in a solid or liquid carrier and the other part comprises one or more compounds of the formula II in a solid or liquid carrier.

10. (amended) A method for controlling harmful fungi, which comprises treating the fungi, their habitat or the materials, plants, seeds, soils, areas or spaces to be protected against fungal attack with a fungicidal mixture as [claimed] defined in claim 1, where the compounds I and one or more compounds of the formulae II can be applied simultaneously, that is either together or separately, or successively.

Add new claim 11 as follows:

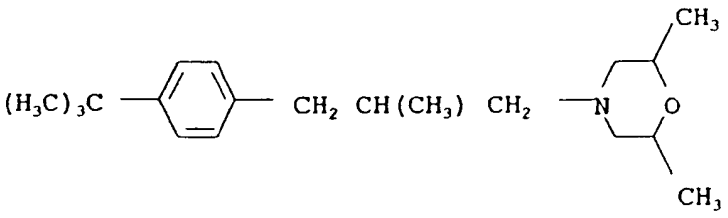
11. (new) A fungicidal mixture as defined in claim 1, wherein in the compound of

the formula II, $R^1$ is methylenecyclopropyl, $X^2$ is 5-F, $X^3$, $X^4$ and $X^5$ are each H, $R^2$ is $C_6H_5$-$CH_2$ and $R^3$ and $R^4$ are each H.

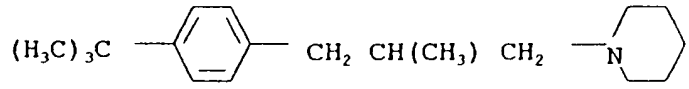
***COPY OF ALL CLAIMS***

1. A fungicidal mixture, comprising as active components

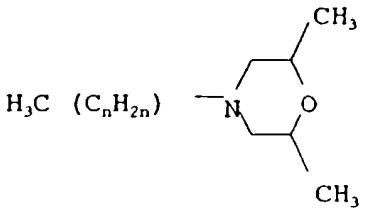
a) a morpholine or piperidine derivative I selected from the group of the compounds Ia, Ib, Ic and Id



(Ia)

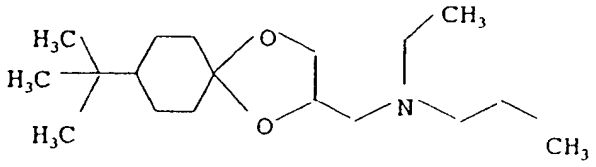


(Ib)



(Ic)

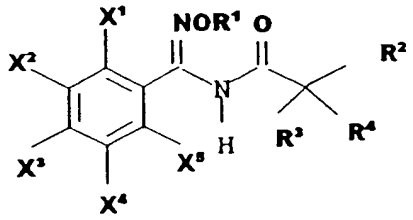
[n= 10,11,12 (60 - 70%) or 13]



Id

and

b) compounds of the formula II



(II)

where the substituents $X^1$ to $X^5$ and $R^1$ to $R^4$ are as defined below:

$X^1$ is $C_1$-$C_4$-haloalkyl, $C_1$-$C_4$-haloalkoxy or halogen;

$X^2$ to $X^5$ are, independently of one another, hydrogen, halogen, $C_1$-$C_4$-alkyl, $C_1$-$C_4$-haloalkyl, $C_1$-$C_4$-alkoxy or $C_1$-$C_4$-haloalkoxy,

$R^1$ is $C_1$-$C_4$-alkyl, $C_2$-$C_6$-alkenyl, $C_2$-$C_6$-alkynyl, $C_1$-$C_4$-alkyl-$C_3$-$C_7$-cycloalkyl, where these radicals may carry substituents selected from the group consisting of halogen, cyano and $C_1$-$C_4$-alkoxy,

$R^2$ is a phenyl radical or a 5- or 6-membered saturated or unsaturated heterocyclyl radical having at least one heteroatom selected from the group consisting of N, O and S, where the cyclic radicals may have one to three substituents selected from the group consisting of halogen, $C_1$-$C_4$-alkyl, $C_1$-$C_4$-alkoxy, $C_1$-$C_4$-haloalkyl, $C_1$-$C_4$-haloalkoxy, $C_1$-$C_4$-alkoxy-$C_2$-$C_4$-alkenyl, $C_1$-$C_4$-alkoxy-$C_2$-$C_4$-alkynyl,

$R^3$ and $R^4$ are, independently of one another, hydrogen, $C_1$-$C_4$-alkyl, $C_1$-$C_4$-alkoxy, $C_1$-$C_4$-alkylthio, N-$C_1$-$C_4$-alkylamino, $C_1$-$C_4$-haloalkyl or $C_1$-$C_4$-haloalkoxy

in a synergistically effective amount. 112-1st

2. (amended) A fungicidal mixture as defined in claim 1, where in the compounds II, $R^1$ is $C_1$–$C_4$-alkyl or $C_1$–$C_4$-alkylene-$C_3$-$C_7$-cycloalkyl.

3. (amended) A fungicidal mixture as defined in claim 1, where in the compounds II, $R^2$ is phenyl, thienyl, pyrazolyl, pyrrolyl, imidazolyl, thiazolyl, furyl, pyridazinyl or pyrimidinyl, and these radicals may be substituted by halogen, $C_1$–$C_4$-alkoxy or $C_1$–$C_4$-alkyl.

4. (amended) A fungicidal mixture as defined in claim 1, where in the compounds II, $R^3$ or $R^4$ are hydrogen, fluorine, chlorine, methyl, ethyl, methoxy, thiomethyl or N–methyamino.

5. (amended) A fungicidal mixture as defined in claim 1, where in the compounds II, $X^1$ is halo-$C_1$–$C_6$-alkyl, halo-$C_1$–$C_6$-alkoxy or halogen.

6. (amended) A fungicidal mixture as defined in claim 1, where in the compounds

II, $X^2$ or $X^3$ are hydrogen or halogen.

7. (amended) A fungicidal mixture as defined in claim 1, where in the compounds II, $X^4$ is hydrogen, chlorine, fluorine, methoxy, ethoxy, trifluoromethyl or trifluoromethoxy.

8. (amended) A fungicidal mixture as defined in claim 1, where in the compounds II, $X^5$ is hydrogen, chlorine, fluorine, methoxy, ethoxy, trifluoromethyl or trifluoromethoxy.

9. (amended) A fungicidal mixture as defined in claim 1, which is conditioned in two parts, where one part comprises one or more compounds I in a solid or liquid carrier and the other part comprises one or more compounds of the formula II in a solid or liquid carrier.

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10. (amended) A method for controlling harmful fungi, which comprises treating the fungi, their habitat or the materials, plants, seeds, soils, areas or spaces to be protected against fungal attack with a fungicidal mixture as defined in claim 1, where the compounds I and one or more compounds of the formulae II can be applied simultaneously, that is either together or separately, or successively.

11. (new) A fungicidal mixture as defined in claim 1, wherein in the compound of the formula II, $R^1$ is methylenecyclopropyl, $X^2$ is 5-F, $X^3$, $X^4$ and $X^5$ are each H, $R^2$ is $C_6H_5$-$CH_2$ and $R^3$ and $R^4$ are each H.

112-2nd